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31054 U.S. PTO

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PATENT Attorney Declaration Form PTO-00104

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BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Anticipated Classification of this Application:  
Class: Subclass:  
Prior Application: 09/246,985  
Examiner: Moskowitz, N.  
Art Unit: 3662

PTO  
10/015736  
12/12/01

TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.53(b)

Sir:

This is a request for filing a Divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/246,985 filed on February 9, 1999 of Weiti Wu, et al. for **ALL FIBER GAIN FLATTENING OPTICAL FILTER**.

CERTIFICATION UNDER 37 § 1.10

I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on this date December 12, 2001, in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number EL777969356US addressed to: **BOX PATENT APPLICATION**, Assistant Commissioner for Patents, Washington, D.C. 20231.

Juan D. Rascon  
(Name of Person Mailing Paper)

Signature

1. Copy of Prior Application as Filed Which is Attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. The copy of the papers of prior application as filed which are attached are as follows: 15 page(s) of specification; 9 page(s) of claims; 1 page(s) of abstract; 10 sheet(s) of drawings; 2 page(s) of declaration; 1 page(s) of power of attorney by assignee; 3 page(s) of assignment including PTO-1595; and 1 page(s) of small entity declaration.

2. Amendments

- ☒ Cancel in this application original claims 1-25 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☒ A preliminary amendment and 10 sheets of formal drawings as substitute sheets for the informal drawings submitted in the patent application are included enclosed.

3. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. § 1.16(a))
			740.00
Total Claims (37 C.F.R. § 1.16(c))	8 - 20 = 0	\$18.00	0.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 = 0	\$84.00	0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		\$280.00	0.00
Filing Fee Calculation			740.00

4. ☒ Verified Statement (Declaration) Claiming Small Entity Status

50% Filing Fee Reduction (if applicable) 370.00

5. ☒ Assignment Recordation Fee 40.00

6. Drawings  
10 Sheets of drawings are enclosed.  
X Formal.
7. Relate Back-35 U.S.C. § 120  
X Amend the specification by inserting before the first line the sentence:  
 --This is a divisional of U.S. Patent Application Serial No. 09/246,985, filed February 9, 1999, the contents of which are hereby incorporated by reference.--
8. Inventorship Statement  
 (a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application are:  
X the same.  
 (b) The inventorship for all the claims in this application are:  
X the same.
9. Fee Payment Being Made At This Time  
X Enclosed.
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- |  |                     |        |
|--|---------------------|--------|
|  | Total Fees Enclosed | 410.00 |
|--|---------------------|--------|
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10. Method of Payment of Fees  
X Check in the amount of \$410.00 (\$370.00 Basic Filing Fee plus \$40.00 Assignment Recordation Fee) enclosed.
11. Authorization To Charge Additional Fees  
X The Commissioner is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.
12. Power of Attorney  
X The power of attorney in the prior application is to: Jonathan O. Owens, HAVERSTOCK & OWENS LLP, 260 Sheridan Avenue, Suite 420, Palo Alto, CA 94306.  
 a. X Address all future communications to:  
 HAVERSTOCK & OWENS LLP  
 ATTN: Jonathan O. Owens  
 260 Sheridan Avenue, Suite 420  
 Palo Alto, CA 94306
12. Maintenance of Codependency of Prior Application  
X This application is a divisional of co-pending Serial No. 09/246,985 filed on February 9, 1999.
13. X Incorporation by Reference  
 The entire disclosure of the prior application(s), from which a copy of the oath of declaration is supplied under Box 1, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: December 12, 2001

By: Jonathan O. Owens  
 Name: Jonathan O. Owens  
 Registration No.: 37,902